

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X **Docket#**
UNITED STATES OF AMERICA, : 15-cr-00348-ERK-VMS
: :
- versus - : U.S. Courthouse
GUILLERMINA RENDON-REYES, : Brooklyn, New York
Defendant : :
: April 21, 2017
-----X

TRANSCRIPT OF CRIMINAL CAUSE FOR PLEADING
BEFORE THE HONORABLE VERA M. SCANLON
UNITED STATES MAGISTRATE JUDGE

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Proceedings

1 THE CLERK: Criminal Cause for a Change of Plea
2 Hearing, case number 15-cr-348, United States v.
3 Guillermina Rendon-Reyes.

4 Spanish interprter, can you state your name for
5 the record?

6 THE INTERPRETER: Patrician Triana.

7 THE CLERK: Thank you.

8 Counsel, can you state your name for the
9 record?

10 MS. LEE: For the United States, Maggie Lee.

11 Good afternoon, your Honor.

12 THE COURT: Good afternoon.

13 MR. COHEN: For Guillermina Rendon-Reyes, Joel
14 Cohen.

15 Good afternoon, Judge.

16 THE COURT: Good afternoon.

17 And it's Ms. Rendon-Reyes sitting next to you?

18 MR. COHEN: She is, Judge, to my left.

19 THE COURT: All right. For the interpreter, if
20 you don't mind, if you could pull the microphone closer
21 to you so we can be sure to hear what you have to say.

22 Okay? All right.

23 So we started this proceeding yesterday and I
24 halted it, so that counsel could have a little bit more
25 time to speak with Ms. Rendon-Reyes. Okay. So what

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1 we're going to do is just start over, make sure all the
2 information is in the record together and make sure that
3 Ms. Rendon-Reyes understands everything.

4 So we're literally all on the same page, make
5 sure we have all the same paperwork. I have the
6 superseding indictment, the plea agreement which is
7 marked as Government's Exhibit 6, the consent to have the
8 plea taken before me, and also the government's
9 description of the statutes and essential elements in
10 this case that relate to the plea agreement.

11 All right. Is there anything else I should
12 have?

13 MS. LEE: No, your Honor.

14 MR. COHEN: No, your Honor.

15 THE COURT: And defendant's counsel, you have
16 all of those papers?

17 MR. COHEN: I do.

18 THE COURT: Or you've seen them?

19 MR. COHEN: Yes.

20 THE COURT: All right. So we're going to start
21 with the government and I asked this question yesterday
22 but again, just so the record is completely clear. Are
23 there any victims of the offenses and if so, has the
24 government fulfilled its obligation to notify them of the
25 hearing and of their right to attend and be heard?

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1 MS. LEE: Yes, your Honor. There are victims
2 of the offense and we've provided notification of this
3 new plea date. Our understanding is that none of the
4 victims intend to participate at the plea bu some of the
5 victims intend to participate in some way as to some
6 defendants at the time of sentencing.

7 THE COURT: Okay. So, Ms. Rendon-Reyes,
8 yesterday, we administered an oath to you. We're going
9 to do it again, just to make sure that you remember what
10 it is that you promise. So, Ms. Quinlan, could you
11 administer the oath to Ms. Rendon-Reyes?

12 G U I L L E R M I N A R E N D O N - R E Y E S ,

13 called as a witness, having been first duly sworn,
14 was examined and testified as follows:

15 THE CLERK: Thank you. You can have a seat.

16 All right. So Ms. Rendon-Reyes, we're starting
17 again, so some of what I am going to say you heard
18 yesterday but I want to make sure that you understand
19 everything.

20 So my name is Vera Scanlon. I'm a magistrate
21 judge here in this court. There's another judge, Judge
22 Korman, who is the judge who is handling the criminal
23 case. If there were a trial, he would be the trial
24 judge. And he is the judge who will make the ultimate
25 decision as to whether to accept your guilty plea and if

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1 he does, to sentence you.

2 So what we're doing today is me explaining and
3 describing to you many of your rights in this criminal
4 proceeding, explaining some of the sentencing process and
5 if you decide you're going to go ahead with your guilty
6 plea, I will listen to your plea but it's Judge Korman
7 who will ultimately decide whether to accept your plea
8 and if he does, to sentence you.

9 Do you understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: All right. So, you have the
12 absolute right to have Judge Korman listen to your plea
13 without any prejudice to you.

14 Do you understand that?

15 THE DEFENDANT: Yes.

16 THE COURT: So as I said earlier, I asked
17 everyone to use the microphones, if not -- not you, Ms.
18 Rendon-Reyes, but the lawers and the interpreter because
19 we're making a recording of today's proceeding. A
20 transcript of this proceeding and the recording will be
21 prepared by a court reporter and provided to Judge
22 Korman.

23 Judge Korman will review the transcript of
24 today's proceeding in connection with deciding whether to
25 accept your plea and if he does, with your sentence.

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1 So, do you wish to give up your right to have
2 Judge Korman listen to your plea and instead proceed here
3 before me today?

4 THE DEFENDANT: No.

5 THE COURT: Okay. So why don't you talk with
6 your lawyer about it.

7 THE DEFENDANT: I don't waive it.

8 THE COURT: Okay. It's totally up to you.

9 THE DEFENDANT: I don't waive it, okay?

10 THE COURT: Okay. It's totally up --

11 THE DEFENDANT: I am guilty of everything that
12 I did.

13 MR. COHEN: The question that she asked -- if I
14 may, Judge?

15 THE COURT: All right. I am going to give you
16 a chance to talk to your lawyer and then I will come back
17 and ask you again. And again, what you decide is totally
18 up to you.

19 (Counsel and client confer)

20 MR. COHEN: We're ready, your Honor. Thank
21 you.

22 THE COURT: Okay. So let me just explain what
23 the question is and then whatever your decision is, we'll
24 decide what direction we go with what we're planning to
25 do today.

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1 So there's two judges assigned to your case.
2 One is the trial judge. He's a district judge, that's
3 his title and he is the judge who if you have a trial in
4 your case, will conduct the trial. And if you decide to
5 go ahead with the plea, he will decide whether your plea
6 is a valid plea or not.

7 And if you're convicted either after a trial or
8 with your plea, he is the judge who will sentence you.
9 Okay.

10 What I have been asked to do is to conduct
11 today's proceeding in which I will go over with you your
12 various rights in connection with the criminal case,
13 explain to you how the sentencing process works, go over
14 your plea agreement and if you understand everything, and
15 after that you want to go ahead with your plea, I will
16 listen to the plea.

17 Judge Korman will get a transcript of the
18 recording of today's proceeding. So he'll know
19 everything that was said here today and he'll make his
20 decisions based on that transcript and any other
21 information provided to him.

22 Okay. So do you understand the process?

23 THE DEFENDANT: Yes.

24 THE COURT: All right. So you have a choice,
25 totally up to you. Do you want to go ahead today and

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1 listen to me explain what I just describe your rights and
2 the sentencing process. And if you decide you want to go
3 ahead with your plea, tell me or do you want us to find a
4 different date and you can do it before Judge Korman.

5 THE DEFENDANT: No, right now.

6 THE COURT: So is it right that you want to go
7 through this process in front of me and have Judge Korman
8 read the transcript of today's proceeding?

9 THE DEFENDANT: Yes.

10 THE COURT: All right. So do you want to give
11 up your right to have Judge Korman listen to your plea
12 and instead plead before me?

13 THE DEFENDANT: Yes.

14 THE COURT: All right. In connection with that
15 decision, I have this piece of paper which in sum says
16 that you agree to proceed before me.

17 Was this form translated for you from English
18 to Spanish?

19 THE DEFENDANT: Yes.

20 THE COURT: All right. Do you understand what
21 the form says?

22 THE DEFENDANT: Yes.

23 THE COURT: Did you go over it with your
24 lawyer?

25 THE DEFENDANT: Yes.

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1 THE COURT: Are you in agreement with what it
2 says in this form?

3 THE DEFENDANT: Yes.

4 THE COURT: All right. I am going to point the
5 first signature underneath the text. Is that your
6 signature?

7 THE DEFENDANT: Yes.

8 THE COURT: And then counsel, is that your
9 signature below?

10 MR. COHEN: It is, your Honor.

11 THE COURT: And then Ms. Lee, I think was your
12 colleague, Ms. Merkl's signature, is that right?

13 MS. LEE: It is her signature and then I
14 initialed on the new date.

15 THE COURT: Okay.

16 MR. COHEN: My client and I also initialed it
17 (indiscernible), your Honor.

18 THE COURT: Okay. All right. Ms. Rendon-
19 Reyes, where I am pointing here, are those your initials?

20 THE DEFENDANT: Yes.

21 THE COURT: Okay. So do you give your consent
22 to proceed before me voluntarily and of your own free
23 will?

24 THE DEFENDANT: Yes.

25 THE COURT: And has anyone threatened you or

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1 made any promises to you to get you to proceed here
2 before me?

3 THE DEFENDANT: No.

4 THE COURT: All right. So in this process
5 today, I am going to have to ask you a number of
6 questions in order to assure myself and Judge Korman that
7 your plea is a valid plea. If you don't understand
8 anything I say or any of my questions, you can speak to
9 your lawyer about it or you can ask me and I will reword
10 what I said and try to clarify what I have said.

11 Okay. It's important that you understand every
12 part of today's proceeding. So if you have any
13 questions, you should feel free to raise them.

14 Do you understand that you have the right to be
15 represented by an attorney at trial and at every other
16 stage of this criminal case including today's proceeding?

17 THE DEFENDANT: Yes.

18 THE COURT: And do you understand that if you
19 can't afford a lawyer, one will be appointed to represent
20 you?

21 THE DEFENDANT: What's that?

22 THE COURT: Okay. So you have the right to
23 have a lawyer help you in a criminal proceeding. All
24 right. That's a right that you have in the United States
25 in a criminal case.

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1 If you can't afford the lawyer, the Court will
2 give you a lawyer. So Mr. Cohen --

3 MR. COHEN: Your Honor, if I may? I --

4 THE COURT: No, hang on. Hold on. Let me
5 finish. Hold on.

6 So Mr. Cohen is your lawyer here today. He's
7 been appointed to work as your lawyer on this case.

8 THE DEFENDANT: Yes.

9 THE COURT: All right. So do you understand
10 that the Court has provided the lawyer for you?

11 THE DEFENDANT: Yes.

12 THE COURT: All right. And that's because you
13 have a right to have an attorney in a criminal case. All
14 right.

15 So do you want Mr. Cohen to be your lawyer
16 during today's proceeding?

17 THE DEFENDANT: Yes.

18 THE COURT: So if at any time you need to speak
19 with Mr. Cohen, just let me know and I'll let you do so.

20 Do you understand?

21 THE DEFENDANT: Yes.

22 THE COURT: So earlier, my deputy Ms. Quinlan,
23 administered an oath to you. That's when you stood up
24 and raised your right hand. And in taking that oath, you
25 swore to tell the truth. So as we go through today's

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1 proceeding, you need to answer my questions truthfully.

2 If at any time you answer any of my questions
3 falsely, those answers could later be used against you in
4 a different criminal case charging you with the crime of
5 perjury or of making a false statement.

6 Do you understand?

7 THE DEFENDANT: Yes.

8 THE COURT: All right. We're going to start
9 with some questions that are basic background questions.

10 What is your full name?

11 THE DEFENDANT: Guillermina Rendon-Reyes.

12 THE COURT: And how old are you?

13 THE DEFENDANT: 46.

14 THE COURT: And what's the highest level of
15 education that you have completed?

16 THE DEFENDANT: Third year of elementary
17 school.

18 THE COURT: And how old were you when you
19 finished school?

20 THE DEFENDANT: I don't remember very well but I
21 think roughly nine years old.

22 THE COURT: Okay. And where did you go to
23 school?

24 THE DEFENDANT: In Mexico.

25 THE COURT: What was the name of the school?

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1 THE DEFENDANT: Maximo Rojas (ph.).

2 THE COURT: And where was that school located
3 generally? What city or town?

4 THE DEFENDANT: In San Miguel Tenancito
5 Clascara (ph.).

6 MS. LEE: Kenansingo Telaxacalle (ph.), I
7 believe is what she is saying.

8 THE DEFENDANT: The town is San Miguel
9 Tenansingo (ph.) and it's under the Clascara district.

10 THE COURT: Okay. Since you finished that
11 school at about nine years old, have you had any other
12 education?

13 THE DEFENDANT: No.

14 THE COURT: All right. I am going to ask you a
15 different set of questions. Are you presently or have
16 you recently been under the care of a doctor?

17 THE DEFENDANT: Yes.

18 THE COURT: And what have you been under the
19 care of a doctor for?

20 THE DEFENDANT: I'm a diabetic.

21 THE COURT: And what does your treatment
22 involve?

23 THE DEFENDANT: In insulin.

24 THE COURT: So did a doctor prescribe insulin
25 for you?

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1 THE DEFENDANT: Yes.

2 THE COURT: And how often do you have to take
3 the insulin?

4 THE DEFENDANT: How? What do you mean?

5 MR. COHEN: How often?

6 THE COURT: Once a day, twice a day, when you
7 eat? When do you --

8 THE DEFENDANT: Twice a day.

9 THE COURT: Okay. And what time of day about
10 do you take the medicine?

11 THE DEFENDANT: 6:30 in the morning and 4 in
12 the afternoon.

13 THE COURT: Okay. Did you take the insulin
14 this morning?

15 THE DEFENDANT: Yes.

16 THE COURT: Okay. Is there anything about the
17 diabetes that would make it hard for you to understand
18 what's going on here today?

19 THE DEFENDANT: I didn't understand. What do
20 you mean?

21 THE COURT: Okay. So sometimes if people have
22 an illness, for example, if you had the flu, people have
23 a difficult time concentrating and they can't understand
24 what's going on around them. I want to know if there's
25 anything about the diabetes that makes it hard for you to

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1 understand what we're doing here today.

2 THE DEFENDANT: No.

3 THE COURT: Okay.

4 THE DEFENDANT: No.

5 THE COURT: And is there anything about the
6 insulin that makes it hard for you to understand what's
7 going on in your case?

8 THE DEFENDANT: No.

9 THE COURT: Okay. Besides the insulin, do you
10 take any other medications?

11 THE DEFENDANT: One more.

12 THE COURT: And what's the other medication?

13 THE DEFENDANT: I don't remember but it's for
14 -- I have high cholesterol.

15 THE COURT: And how often do you take that
16 medicine?

17 THE DEFENDANT: Once a day.

18 THE COURT: Okay. And is that prescribed to
19 you by a doctor?

20 THE DEFENDANT: Yes.

21 THE COURT: And did you take the medicine
22 today?

23 THE DEFENDANT: No.

24 THE COURT: Did you take it yesterday?

25 THE DEFENDANT: Yes.

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1 THE COURT: Okay. Is there anything about
2 having high cholesterol that makes it difficult for you
3 to understand what we're doing here today?

4 THE DEFENDANT: No.

5 THE COURT: Is there anything about the
6 medicine that you take for the high cholesterol that
7 makes it hard for you to understand what we're doing here
8 today?

9 THE DEFENDANT: No.

10 THE COURT: Okay. So are you being treated for
11 any other medical condition?

12 THE DEFENDANT: No.

13 THE COURT: And do you have any medical
14 conditions that are not being treated?

15 THE DEFENDANT: No, just that it's what it's a
16 -- what it is.

17 THE COURT: All right. You feeling healthy
18 today?

19 THE DEFENDANT: Yes.

20 THE COURT: All right.

21 THE DEFENDANT: Thank God, yes.

22 THE COURT: All right. We're glad you're
23 healthy.

24 Are you presently or have you recently been
25 treated by a mental health professional, such as a

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1 psychologist, psychiatrist or a social worker?

2 THE DEFENDANT: No.

3 THE COURT: Have you ever been hospitalized or
4 treated for any mental illness?

5 THE DEFENDANT: No.

6 THE COURT: Have you ever been hospitalized or
7 treated for an addiction to drugs or alcohol?

8 THE DEFENDANT: No.

9 THE COURT: In the past 24 hours, have you
10 consumed any narcotic drugs?

11 THE DEFENDANT: No.

12 THE COURT: In the past 24 hours, besides the
13 insulin and the high cholesterol drug, have you taken any
14 medications?

15 THE DEFENDANT: No.

16 THE COURT: In the past 24 hours, have you
17 taken any alcohol?

18 THE DEFENDANT: No, not that either.

19 THE COURT: Is your mind clear as we sit here
20 today?

21 THE DEFENDANT: Yes.

22 THE COURT: Do you understand what's we're
23 doing here today?

24 THE DEFENDANT: Yes.

25 THE COURT: All right. I am going to ask your

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1 lawyer some questions.

2 Mr. Cohen, have you discussed this matter with
3 your client?

4 MR. COHEN: I have, your Honor.

5 THE COURT: And have you had any difficulties
6 communicating with your client?

7 MR. COHEN: No, I've always used a qualified
8 Spanish interpreter and we've had no difficulty
9 communicating.

10 THE COURT: In your opinion, is Ms. Rendon-
11 Reyes capable of understanding the nature of the
12 proceedings?

13 MR. COHEN: Yes.

14 THE COURT: And in your opinion, does she
15 understand the rights she'll be waiving by pleading
16 guilty?

17 MR. COHEN: Yes.

18 THE COURT: Just so the record is clear, I
19 think I hadn't finished when you answered.

20 MR. COHEN: I'm sorry, Judge.

21 THE COURT: Okay. So the question is in your
22 opinion, does your client understand the rights she'll be
23 waiving by pleading guilty?

24 MR. COHEN: Yes.

25 THE COURT: And do you have any doubt as to her

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1 competence to plead at this time?

2 MR. COHEN: No, ma'am.

3 THE COURT: So yesterday you had mentioned that
4 you thought she was anxious or had anxiety.

5 Do you believe she's comfortable enough today
6 to be able to proceed with this plea hearing?

7 MR. COHEN: I believe she is, your Honor.

8 THE COURT: All right. Have you explained to
9 her the sentencing processing and the possible sentencing
10 consequences of a guilty --

11 MR. COHEN: Yes, I have.

12 THE COURT: -- of her guilty plea? Have you
13 explained to her the operation of the sentencing
14 guidelines?

15 MR. COHEN: I have.

16 THE COURT: All right.

17 Ms. Rendon-Reyes, have you had a sufficient
18 opportunity to discuss your case with your lawyer, Mr.
19 Cohen?

20 THE DEFENDANT: Yes.

21 THE COURT: And have you done so with the
22 assistance of a Spanish language interpreter?

23 THE DEFENDANT: Yes.

24 THE COURT: And are you fully satisfied with
25 the representation and legal advice given to you in this

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1 case by your lawyer, Mr. Cohen?

2 THE DEFENDANT: Yes.

3 THE COURT: All right. So, there is a document
4 in this case. I am holding up my copy. It's called the
5 superseding indictment. Was this document translated for
6 you from English to Spanish?

7 THE DEFENDANT: Yes.

8 THE COURT: Was it translated orally or was it
9 translated in writing?

10 THE DEFENDANT: In writing.

11 THE COURT: So it's correct, somebody gave you
12 a written translation of the superseding indictment?

13 THE DEFENDANT: Yes.

14 THE COURT: And did you review the indictment
15 indictment with your attorney?

16 THE DEFENDANT: Yes.

17 THE COURT: So what's proposed is that you're
18 going to plead guilty to Count 1 and admit to certain
19 racketeering acts, particularly Racketeering Act 5(a),
20 and Racketeering Act 7(a).

21 Did you review those racketeering acts in Count
22 1 with Mr. Cohen?

23 THE DEFENDANT: Yes.

24 THE COURT: All right.

25 Mr. Cohen, do you want me to read the

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1 superseding indictment or the particular charges relating
2 to your client?

3 MR. COHEN: I don't believe that's necessary,
4 your Honor.

5 THE COURT: All right. So Ms. Rendon-Reyes, at
6 this point I am going to explain to you some of your
7 rights in a criminal proceeding in this Court as it
8 relates particularly to your proposed plea.

9 The first and most important thing you should
10 understand is that you do not have to plead guilty, even
11 if you are guilty. Under the American legal system, the
12 prosecution or the government has the burden of proving
13 the defendant's guilt at trial beyond a reasonable doubt.
14 If the government cannot or does not meet its burden of
15 proof, the jury at the trial has the obligation to find
16 the defendant not guilty even if the defendant did in
17 fact commit the crimes charged.

18 Do you understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: So for you, you have a choice.
21 It's up to you to decide what to do in your case. You
22 can withdraw your previously entered plea of not guilty
23 and change it to guilty as I've been told you wish to do
24 or you can go to trial. If you want to go to trial, you
25 simply say not guilty when I ask you how you plea.

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1 So you should know that it has sometimes
2 happened in American courtrooms, including in this
3 courthouse, that a jury has returned a verdict of not
4 guilty even though everyone else in the courtroom thought
5 that the defendant was guilty.

6 What the jury's decision meant was not that the
7 defendant wasn't guilty but rather that the government
8 had failed to prove its case.

9 Do you understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: So you have a choice. You can say
12 to the government, I want to go to trial and as I said
13 earlier, what the government's burden would be at trial
14 would be to prove your guilt beyond a reasonable doubt.
15 And if the government failed, the jury would have to find
16 you not guilty. So if you want to go to trial, when I
17 ask you how you plead, you would simply say not guilty.

18 So if you plead not guilty, under the
19 Constitution and the laws of the United States of
20 America, you are entitled to a speedy and public trial by
21 jury with the assistance of a lawyer on the charges
22 against you that are contained in this document, the
23 superseding indictment which has been filed with the
24 Court.

25 Do you understand all of those rights?

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1 THE DEFENDANT: Yes.

2 THE COURT: So were there to be a trial in your
3 case, at that trial, you would be presumed innocent. You
4 would have not to prove that your innocence. It's the
5 government's job or the government's burden to overcome
6 the presumption of innocence and prove you guilty by
7 competent evidence and beyond a reasonable doubt. And if
8 the government failed, the jury would have to find you
9 not guilty.

10 By pleading guilty, you're giving up your right
11 to have the government satisfy its burden of proving your
12 guilt beyond a reasonable doubt. Instead, you'll be
13 admitting your guilt.

14 Were there to be a trial in your case, at the
15 trial, witnesses for the government would have to come to
16 court and testify in your presence. Your attorney would
17 have the right to ask those witnesses questions or cross-
18 examine those witnesses. Your lawyer could object to the
19 evidence that the government wanted to offer. And your
20 lawyer could offer witnesses and other evidence on your
21 behalf.

22 Your attorney could also subpoena or compel
23 witnesses to come to court and testify. Your attorney
24 could raise any defenses that you may have in this case.

25 Do you understand all of those rights?

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1 THE DEFENDANT: Yes.

2 THE COURT: All right. If you decide to plead
3 guilty, and you do, and I recommend to Judge Korman that
4 he accept your plea and he does, you're giving up all of
5 these rights. You're giving up the right to a trial.
6 You're giving up your right to confront witnesses who
7 testify against you. You're giving up your right to
8 offer evidence on your own behalf, to challenge the
9 government's case, to cross-examine the government's
10 witnesses, to compel witnesses to come to court and to
11 testify and to raise any defenses that you might have.

12 Do you understand the rights that you are
13 giving up if decide to go ahead with the guilty plea? I
14 need to hear you answer out loud.

15 THE DEFENDANT: Yes.

16 THE COURT: All right. Do you have any
17 questions about anything I have said with regards to
18 your right so far?

19 THE DEFENDANT: No.

20 THE COURT: Okay. Were you to persist or stick
21 with your guilty -- your not guilty plea -- sorry -- at a
22 trial in your case, you would have the right to testify
23 on your own behalf if you wanted to do so. So you could
24 come up, sit in the witness stand and testify in front of
25 the jury and the judge.

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1 I'm sorry, can you -- thanks.

2 But that would be your choice. You could not
3 be required to testify. Under the Constitution of the
4 United States, a defendant in a criminal case cannot be
5 forced to take the witness stand at her own trial and say
6 anything that could be used against her to show that she
7 is guilty of the crime or crimes with which she is
8 charged.

9 So, if you decided not to testify, the judge
10 would tell the jury that the jury could not count that
11 against you. This would be called exercising your right
12 against self-incrimination.

13 Do you understand that right?

14 THE DEFENDANT: Yes.

15 THE COURT: If you plead guilty, I'm going to
16 have to ask you questions about what you did in order to
17 satisfy myself and in turn Judge Korman that you are, in
18 fact, guilty of the charges to which you are pleading
19 guilty. You are going to have to answer those questions
20 truthfully. You're going to have to acknowledge your
21 guilt and I'll remind you that you took the oath earlier
22 to tell the truth. So you will be answering the
23 questions subject to that oath.

24 Do you understand?

25 THE DEFENDANT: Yes.

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1 THE COURT: so it's not going to be enough for
2 you simply to say that you're guilty. You're going to
3 have to tell me what it is that you did such that you
4 are, in fact, guilty of the charges to which you are
5 pleading guilty.

6 If you plead guilty and I recommend to Judge
7 Korman that he accept your plea and that is what he does,
8 you'll be giving up all of those constitutional and other
9 rights that I have just discussed. You will be giving up
10 your right to a trial. There won't be a trial in your
11 case. If Judge Korman accepts your plea, he will simply
12 enter a judgment of guilty based on your plea.

13 Do you understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: If after you are sentenced by the
16 district judge, you or your lawyer thinks that the judge
17 didn't follow the law in sentencing you, you can usually
18 appeal your sentence to a higher court. All right. So
19 just so you understand, there's this trial court and then
20 there's an appellate court above this court. The
21 appellate court reviews the decisions of this court if
22 the party or parties appeal the sentence or the
23 conviction.

24 Okay. That's how the process usually works.
25 In your case, you agreed to a limitation on that right.

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1 So according to your plea agreement which we're going to
2 talk about in more detail in a little while, you agreed
3 not to file an appeal or challenge by a petition under a
4 particular law or other provisions of the law, the
5 conviction or sentence if the judge imposes a term of
6 imprisonment of 262 months or below.

7 All right. So do you understand that
8 limitation on your appellate right?

9 THE DEFENDANT: Yes.

10 THE COURT: If you decide to go ahead with your
11 guilty plea, you will not except under very limited
12 circumstances, be able to challenge the judgment of
13 conviction by appeal or collateral attack.

14 Do you understand that?

15 THE DEFENDANT: Yes.

16 THE COURT: Are you willing to give up your
17 right to a trial and all of the other rights that I have
18 just discussed with you?

19 THE DEFENDANT: Yes.

20 THE COURT: All right. We're going to go over
21 the plea agreement which is marked as Government's
22 Exhibit 6.

23 I am going to ask Mr. Cohen, were all formal
24 plea offers by the government conveyed to Ms. Rendon-
25 Reyes?

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1 MR. COHEN: They were, your Honor. And, in
2 fact, there was significant and long-term negotiation
3 between the parties and the agreement to which Ms.
4 Rendon-Reyes is pleading guilty, was not the government's
5 initial plea offer. We've discussed -- she and I have
6 discussed the differences between those proposed plea
7 agreements and it's my understanding that she is very
8 satisfied with the agreement that is presently before the
9 Court.

10 THE COURT: All right. Ms. Rendon-Reyes, did
11 you hear what Mr. Cohen just said?

12 THE DEFENDANT: Yes.

13 THE COURT: Are you in agreement with what he
14 said?

15 THE DEFENDANT: Yes.

16 THE COURT: All right. We're going to look at
17 the last page of the plea agreement. In the middle of
18 the page, it says, "I have read the entire agreement and
19 discussed it with my attorney." "I have read the entire
20 agreement and discussed it with my attorney. I
21 understand all of its terms and am entering into it
22 knowingly and voluntarily."

23 Is that a correct statement?

24 THE DEFENDANT: Yes.

25 THE COURT: All right.

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1 MR. COHEN: Your Honor, if I may, just so that
2 the record is absolutely clear, she didn't review the
3 agreement because she doesn't read English but as your
4 Honor knows, it was translated verbatim to her yesterday
5 in the courtroom and prior to that it's substantially
6 translated and I'm satisfied that she understands its
7 terms.

8 THE COURT: All right. Ms. Rendon-Reyes, was
9 the plea agreement which is Government's Exhibit 6
10 translated for you from English to Spanish?

11 THE DEFENDANT: Yes.

12 THE COURT: All right. Mr. Cohen, who did the
13 translation?

14 MR. COHEN: I beg your pardon, your Honor?

15 THE COURT: Who did the translation?

16 MR. COHEN: It was done yesterday by Rosa
17 Olivera and by Estrelita, whose last name I am afraid I
18 don't know but she is one of the official court
19 interpreters.

20 THE COURT: All right. Ms. Rendon-Reyes, I am
21 holding up my copy of the plea agreement which has been
22 marked as Government's Exhibit 6 and I'm pointing in the
23 middle of the page above where your name is printed.

24 Is that your signature?

25 THE DEFENDANT: Yes.

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1 THE COURT: Mr. Cohen is that your signature
2 below that?

3 MR. COHEN: It is, your Honor.

4 THE COURT: And then I think it's Ms. Plested,
5 is that her signature below there?

6 MR. COHEN: I can't see that, Judge.

7 THE COURT: I'll ask Ms. Quinlan to show you
8 the form.

9 MR. COHEN: Thank you.

10 THE COURT: Well, you can tell me what it
11 indicates.

12 MR. COHEN: Yes, your Honor.

13 THE COURT: Okay. And she translated part of
14 the agreement, right? And Ms. Olivera translated the
15 other part, is that correct?

16 MR. COHEN: Yes, your Honor.

17 THE COURT: All right. For the government, Ms.
18 Lee, is the first signature on the page, your signature?

19 MS. LEE: It is, your Honor.

20 THE COURT: And below that is Ms. Merkl's
21 signature?

22 MS. LEE: It is.

23 THE COURT: And she was here yesterday for the
24 proceeding but is it correct that her relationship to
25 this case is she is the supervising United States

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1 Attorney on this case?

2 MS. LEE: Yes.

3 THE COURT: I know she said you were working
4 with colleagues as well yesterday, right?

5 MS. LEE: She is -- she has supervisor
6 authority in the office and we are co-prosecuting this
7 case.

8 THE COURT: All right. Ms. Rendon-Reyes, was
9 the entire plea agreement translated for you from English
10 to Spanish?

11 THE DEFENDANT: Yes.

12 THE COURT: And was it done by someone who was
13 fluent in Spanish?

14 THE DEFENDANT: Yes.

15 THE COURT: And did you go over the plea
16 agreement with Mr. Cohen?

17 THE DEFENDANT: Yes.

18 THE COURT: And in your communications with Mr.
19 Cohen, did you have the assistance of a Spanish language
20 interpreter?

21 THE DEFENDANT: Yes.

22 THE COURT: Do you understand all of the terms
23 of the plea agreement?

24 THE DEFENDANT: Yes.

25 THE COURT: Does this written plea agreement

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1 which is marked as Government's Exhibit 6 accurately
2 represent the entire understanding or agreement that you
3 have with the United States government?

4 THE DEFENDANT: Yes.

5 THE COURT: Has anyone made any promise or
6 assurance to you that's not included in this document to
7 persuade you to accept the plea agreement?

8 THE DEFENDANT: No.

9 THE COURT: Has anyone threatened you in any
10 way in order to get you to accept the plea agreement?

11 THE DEFENDANT: No, no.

12 THE COURT: Mr. Cohen, have you read the entire
13 plea agreement?

14 MR. COHEN: Yes, ma'am.

15 THE COURT: And have you reviewed it with your
16 client?

17 MR. COHEN: I beg your pardon?

18 THE COURT: Have you reviewed it with your
19 client?

20 MR. COHEN: I have.

21 THE COURT: And do you believe she understands
22 the entire agreement?

23 MR. COHEN: Yes.

24 THE COURT: And does Government's Exhibit 6,
25 the plea agreement, reflect your understanding of the

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1 entire agreement that your client has entered into with
2 the government?

3 MR. COHEN: Yes.

4 THE COURT: Ms. Rendon-Reyes, if you fail to
5 comply with this agreement that you have with the United
6 States government, the government will be released from
7 its obligations but you will not be released from your
8 plea of guilty.

9 Do you understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: Okay. All right. We're going to
12 go over the sentencing scheme applicable in your case.
13 This is outlined in paragraph 1 of the plea agreement
14 which is marked as Government's Exhibit 6.

15 As I said earlier, what's been proposed is that
16 you're going to plead guilty to Count 1 of the
17 superseding indictment which charges you with violations
18 of particular federal laws, 18 USC Sections 1962(c) and
19 you're also going to admit as racketeering acts, your
20 participation on sex trafficking of the minor known as
21 Jane Doe 3, who is referred to in Racketeering Act 5(a)
22 and Count 11 of the superseding indictment, as well as
23 sex trafficking of the minor known as Jane Doe 5 as
24 alleged in Racketeering Act 7(a) and Count 14 of the
25 superseding indictment.

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1 This count carries the following statutory
2 penalties: a maximum term of imprisonment is life. The
3 minimum term of imprisonment is zero years. The maximum
4 term of supervised release is five years. That would
5 come after any term of imprisonment.

6 If a condition of supervised release were to be
7 violated, you may be sentenced to up to five years
8 without credit for pre-release imprisonment --

9 THE INTERPRETER: Just a second, your Honor, if
10 I may?

11 THE COURT: Sure. So you won't get credit for
12 the time that you were in prison before you were released
13 because the way it works is you have a sentence, and
14 after that comes supervised release. There are many
15 rules that are imposed if someone is on supervised
16 release.

17 There are many restrictions that are usually
18 placed on their liberty including travel limitations,
19 requirements that they report to a probation officer and
20 other restrictions.

21 So if you violate a condition of release, you
22 could be sentenced for up to five years imprisonment and
23 in that calculation of the five years, there would be no
24 credit for imprisonment prior to pre-release -- so prior
25 to your release from prison or for time previously served

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1 on post-release supervision.

2 Do you understand that?

3 THE DEFENDANT: Yes.

4 THE COURT: Okay. There could also be a
5 maximum fine imposed of the greater of \$250,000 or twice
6 the gross gain or twice the gross loss.

7 Restitution is mandatory in the full amount of
8 each victim's losses as determined by the Court.

9 There has to be a \$100 special assessment
10 imposed.

11 There are three other important possible
12 sentencing consequences. All right.

13 First let me ask the government, was Ms.
14 Rendon-Reyes extradited to the United States or was she
15 in the United States?

16 MS. LEE: She was extradited, your Honor.

17 THE COURT: All right. The possible sentencing
18 consequence to the extent you ahve an immigration status
19 in the United States is removal from the United States.
20 So if you're not a United States citizen, your guilty
21 plea could have a very significant effect on any
22 immigration status you have in the United States.

23 There are many crimes which are what we call
24 removable offenses including what is proposed that you
25 are going to plead guilty to which are racketeering

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1 involving sex trafficking and interstate prostitution.

2 For these offenses, your removal from the
3 United States is presumptively mandatory. However,
4 removal and other immigration consequences are not
5 decided in this Court but are decided by a different
6 agency of the U.S. government.

7 So nobody here, not your lawyer, not the
8 government's lawyer, not the Court, can tell you with
9 certainty the effect of your conviction on your
10 immigration status.

11 Your plea agreement indicates that despite the
12 possible serious immigration consequences, including your
13 automatic removal from the United States, you still want
14 to go ahead with your guilty plea regardless of those
15 immigration consequences.

16 Is that correct?

17 THE DEFENDANT: Yes.

18 THE COURT: And do you understand that the
19 automatic removal from the United States could occur
20 after you serve a term of imprisonment in the United
21 States?

22 THE DEFENDANT: Yes.

23 THE COURT: All right. Did you have a
24 sufficient opportunity to consult with Mr. Cohen about
25 the possible immigration consequences?

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1 THE DEFENDANT: Yes.

2 THE COURT: Okay. Additional possible
3 sentencing consequences include being subject to sex
4 offender registration pursuant to a particular federal
5 law. Those requirements are described in paragraph 11 of
6 your plea agreement.

7 Do you understand paragraph 11?

8 THE DEFENDANT: Yes.

9 THE COURT: And did you have a sufficient
10 opportunity to review it with Mr. Cohen?

11 THE DEFENDANT: Yes.

12 THE COURT: All right. Additionally, a
13 possible sentencing consequence is criminal forfeiture
14 which is described in paragraphs 6 and 7 of the plea
15 agreement.

16 Do you understand paragraph 6 and 7?

17 THE DEFENDANT: Yes.

18 THE COURT: Do you agree with what they say?

19 THE DEFENDANT: Yes.

20 THE COURT: Did you have a sufficient
21 opportunity to review them with Mr. Cohen?

22 THE DEFENDANT: Yes.

23 THE COURT: All right. I am just going to hold
24 up the copy of your plea agreement from yesterday. There
25 are some handwritten changes which in sum say that you're

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1 going to provide your financial statement within 30 days
2 and that form will be attached as Exhibit A to the plea
3 agreement.

4 All right. There are some initials next to
5 that change. First, Ms. Rendon-Reyes, are those your
6 initials that I am pointing to?

7 THE DEFENDANT: Yes.

8 THE COURT: And Mr. Cohen, are those your
9 initials on this page?

10 MR. COHEN: Yes.

11 THE COURT: And Ms. Lee, those are yours?

12 MS. LEE: Yes.

13 THE COURT: All right. Ms. Rendon-Reyes, do
14 you understand that parole has been abolished in the
15 federal system. So, if you're sentenced to a prison
16 term, you will not be released on parole but instead you
17 will be required to spend the entire period of
18 imprisonment in prison.

19 Do you understand that?

20 THE DEFENDANT: Yes, yes, yes.

21 THE COURT: Okay. Let me explain how the
22 sentencing process works. In your case the sentencing
23 judge is going to be Judge Korman. Judge Korman does not
24 have complete discretion to impose a sentence outside of
25 the statutory minimum and maximum sentences set forth in

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1 the statute.

2 So as we went over, the maximum term of
3 imprisonment is life and the minimum term of imprisonment
4 in your case is zero.

5 Do you understand?

6 THE DEFENDANT: Yes.

7 THE COURT: As a first step in the sentencing
8 process, the judge will consider what are called advisory
9 sentencing guidelines. They've been issued by the United
10 States Sentencing Commission to help the judge determine
11 what is a reasonable sentence in a criminal case.

12 As a second step, the judge must consider
13 whether there are any factors present in your case that
14 would allow him to depart from the advisory sentencing
15 guidelines. It's possible for a judge to depart either
16 upwardly or downwardly.

17 Third, the judge has to consider factors set
18 forth in a particular federal statute that we refer to as
19 18 United States Code, Section 3553(a). The judge
20 considers the factors in that statute against all of the
21 facts and circumstances of your case and it may be based
22 on all of this analysis that the judge decides to impose
23 a non-guideline sentence.

24 All right. But bottom line for you is that
25 until the date of sentencing when the judge has reviewed

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1 all of the material submitted about you, including a pre-
2 sentence report, and hears from you, from your lawyer and
3 the government, and possibly from some of the victims,
4 you cannot know with certainty what the sentencing
5 guidelines will be in your case or whether there will be
6 grounds to depart from them, either upwardly or
7 downwardly. You cannot know whether the Court will
8 impose a guideline or a non-guideline sentence.

9 So do you understand the process?

10 THE DEFENDANT: Yes.

11 THE COURT: All right. Despite the uncertainty
12 because the government or the lawyer may not have all the
13 facts or the facts may change between now and the date of
14 sentence, or they might simply make a mistake, I'm going
15 to ask the lawyers to give their best estimate as to what
16 the sentencing guidelines are likely to be for your case.

17 So the government's perspective in this is
18 outlined in paragraph 2 of your plea agreement. So I'm
19 going to ask Ms. Lee to summarize it.

20 MS. LEE: The government estimates a total
21 offense level of 39, taking into account a three point
22 reduction for acceptance of responsibility, an adjusted
23 offense level of 36, assuming that the defendant falls
24 within a criminal history category one, that will result
25 in a guidelines range of 188 to 235 months.

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1 That calculation incorporates a two point
2 reduction for a global disposition which is set forth in
3 the plea agreement and is contingent on all eight
4 defendants pleading guilty. Ms. Rendon-Reyes is the
5 eighth defendant to plead guilty and although today is
6 the day after the date in the plea agreement, the
7 government finds that that's in compliance with the
8 terms. So assuming that the pleas are all accepted, then
9 the global disposition terms will have been met.

10 THE COURT: Okay. Ms. Rendon-Reyes, do you
11 understand what Ms. Lee just said?

12 THE DEFENDANT: Yes.

13 THE COURT: All right. Mr. Cohen, what's your
14 take on what the sentencing guideline may be for your
15 client?

16 MR. COHEN: I beg your pardon, your Honor?

17 THE COURT: What's your best estimate as to
18 what the sentencing guideline may be for your client?

19 MR. COHEN: I'm in accord with the government's
20 view of what the guidelines are and I've discussed those
21 guidelines with Ms. Rendon-Reyes.

22 THE COURT: And do you believe she understands
23 everything that you have told her?

24 MR. COHEN: I do.

25 THE COURT: All right. Ms. Rendon-Reyes, do

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1 you understand that the estimate provided by the
2 government and which Mr. Cohen agrees, is not binding on
3 the government, probation or the Court?

4 THE DEFENDANT: Yes.

5 THE COURT: Do you understand that if the
6 lawyers are wrong, you would not be permitted to withdraw
7 your plea of guilty on this basis?

8 THE DEFENDANT: I didn't understand that.

9 THE COURT: Okay. So, I asked the lawyers,
10 particularly Ms. Lee, to give you their best estimate as
11 to what the sentencing guidelines are going to be in your
12 case and she did that and then Mr. Cohen agrees with her
13 estimate.

14 So those are what -- if they have gotten it
15 right, those are what the sentencing guidelines are
16 likely to be when you get to the date of sentencing. But
17 they could be wrong or the facts could change or unknown
18 circumstances could arise. But if the lawyers are wrong,
19 that's not a basis for you to withdraw your guilty plea.

20 Do you understand?

21 THE DEFENDANT: Yes.

22 THE COURT: Okay. So your ultimate sentence
23 could turn out to be different from the estimate that Ms.
24 Lee and your attorney have stated here today.

25 Do you understand?

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1 THE DEFENDANT: Yes.

2 THE COURT: And it could turn out for various
3 reasons including the application of other statutory
4 sentencing factors that the judge decides to impose a
5 sentence higher than the one called for by the advisory
6 sentencing guidelines.

7 Just hold on one second. Okay.

8 All right. So, do you understand that?

9 THE DEFENDANT: Yes.

10 THE COURT: All right. So if that happens,
11 that is not going to be a reason that you would be
12 allowed to withdraw your guilty plea.

13 Do you understand?

14 THE DEFENDANT: Yes.

15 THE COURT: All right. Just because nobody
16 could tell you ahead of time, that's not a reason that
17 you will be allowed to withdraw your guilty plea.

18 Do you understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: All right. Let's go back to the
21 plea agreement for a moment. I've highlighted a few of
22 the paragraphs but let me just make sure.

23 Do you understand the entire plea agreement?

24 THE DEFENDANT: Yes.

25 THE COURT: And did you have a sufficient

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1 opportunity to review the plea agreement which is
2 Government's Exhibit 6 with Mr. Cohen?

3 THE DEFENDANT: Yes.

4 THE COURT: And do you want to go ahead with
5 your guilty plea subject to the terms of this plea
6 agreement?

7 THE DEFENDANT: Yes.

8 THE COURT: And do you want to go ahead with
9 your guilty plea even though it's very likely that any
10 guilty plea if accepted would result in serious
11 immigration consequences including your automatic removal
12 from the United States?

13 THE DEFENDANT: Yes.

14 THE COURT: Okay. All right. To the extent
15 you have certain rights in the United States, if you are
16 adjudicated guilty of a felony or felonies, that could
17 result in the deprivation of certain civil rights. Those
18 rights include the right to vote, hold public office,
19 serve on a jury, and possess a firearm.

20 So to the extent you do have those rights in
21 the United States which you may or may not, if you are
22 adjudicated guilty of a felony, you could lose those
23 rights.

24 Do you understand?

25 THE DEFENDANT: Yes.

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1 THE COURT: All right. So I've gone over many
2 of the consequences to you or possible consequences to
3 you if the district judge accepts your plea.

4 Do you understand all of these consequences?

5 THE DEFENDANT: Yes.

6 THE COURT: Have you gone over them with Mr.
7 Cohen?

8 THE DEFENDANT: Yes.

9 THE COURT: Did you have sufficient time and
10 opportunity to consult with Mr. Cohen?

11 THE DEFENDANT: Yes.

12 THE COURT: All right. I'm going to switch to
13 asking some questions of the lawyers. So for the
14 government, are the elements of the count to which Ms.
15 Rendon-Reyes going to plead guilty set forth in the
16 submission that you have, statutes and essential
17 elements?

18 MS. LEE: Yes, your Honor.

19 THE COURT: And is the government prepared to
20 prove at trial Ms. Rendon-Reyes' guilt?

21 MS. LEE: Yes, your Honor.

22 THE COURT: And what evidence would the
23 government offer at trial in order to prove her guilt?

24 MS. LEE: The government were to offer witness
25 testimony and documentary evidence including but not

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1 limited to the testimony of many of the victims set forth
2 in the superseding indictment, border crossing records,
3 money remitter records and wiretap records.

4 In order to establish that in or about and
5 between December 2004 and November 2015, in Queens, New
6 York and elsewhere, the Rendon-Reyes trafficking
7 organization was a criminal organization. It operated in
8 Queens, Atlanta, Jefferson, Alabama, Mexico, as well
9 other locations, members and associates of the Rendon-
10 Reyes trafficking organization engaged in various forms
11 of criminal activity including but not limited to sex
12 trafficking of women and minor girls, prostitution, alien
13 smuggling, alien harboring, and money laundering.

14 The enterprise trafficked women from Mexico
15 into the United States and throughout the country for the
16 purposes of prostitution for their financial gain.

17 The defendant was a member of the Rendon-Reyes
18 trafficking organization and in furtherance of that
19 organization, she committed Racketeering Acts 5(a) and
20 7(a) of the superseding indictment, among others and
21 these acts included the sex trafficking of minors Jane
22 Doe 3 and Jane Doe 5 and the government would establish
23 with respect to Racketeering Act 5(a) that in or about
24 and between March 2006 and October 2006, the defendant
25 knowing that force, fraud, and coercion had been used,

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1 caused Jane Doe 3, who was a minor at the time, to be
2 brought from Mexico to the United States for the purposes
3 of prostitution.

4 And with respect to Racketeering Act 7(a), the
5 government would establish that in or about June 2007
6 through February 2009, the defendant knowing that force,
7 fraud and coercion had been used, caused Jane Doe 5, who
8 was a minor at the time, to be brought from Mexico to the
9 United States for the purposes of prostitution.

10 THE COURT: All right. Mr. Cohen, do you agree
11 the government would be able to prove Ms. Rendon-Reyes'
12 guilt at trial?

13 MR. COHEN: I do.

14 THE COURT: Based on the evidence just
15 described by the government?

16 MR. COHEN: Yes, Judge.

17 THE COURT: Do you know of any reason why Ms.
18 Rendon-Reyes should not plead guilty?

19 MR. COHEN: No.

20 THE COURT: Are you aware of any viable legal
21 defense to the charges against her?

22 MR. COHEN: No.

23 THE COURT: In your professional opinion, is
24 this plea in your client's best interest?

25 MR. COHEN: Absolutely.

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1 THE COURT: All right. Ms. Rendon-Reyes, do
2 you need an opportunity to speak with Mr. Cohen?

3 THE DEFENDANT: Yes.

4 THE COURT: All right. We'll give you a minute
5 or however long you need. When you're ready, let me
6 know.

7 (Counsel and client confer)

8 THE COURT: Okay, you're ready?

9 MR. COHEN: Yes.

10 THE COURT: Okay. Ms. Rendon-Reyes --

11 MR. COHEN: There was a misunderstanding,
12 Judge.

13 THE INTERPRETER: If I may, your Honor, the
14 interpreter misinterpreted the last question and so right
15 now I cleared it up with the attorney.

16 THE COURT: Okay. So Ms. Rendon-Reyes, would
17 you like an opportunity to consult with your attorney
18 about anything?

19 THE DEFENDANT: No.

20 THE COURT: All right. So, Ms. Rendon-Reyes,
21 are you ready to plead at this time?

22 THE DEFENDANT: Yes.

23 THE COURT: Okay. So Ms. Rendon-Reyes, with
24 regard to Count 1 of the superseding indictment, how do
25 you plead, guilty or not guilty?

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1 THE DEFENDANT: Guilty.

2 THE COURT: All right. So, as I said earlier,
3 I have to ask you what it is that you did such that you
4 are, in fact, guilty of Count 1. All right. So in your
5 own words, why don't you tell me.

6 THE DEFENDANT: This, right?

7 THE COURT: So if you would like to read what
8 you've written, that's fine or if you would like to just
9 say it in your own words, whatever makes you more
10 comfortable.

11 THE DEFENDANT: I'm going to read it.

12 THE COURT: That's fine.

13 THE DEFENDANT: In the dates mentioned in the
14 indictment, I was part of a family -- my family
15 organization in order to further -- furthering the
16 purposes of the organization by agreeing with others
17 within the organization by bringing women illegally into
18 the country, women to Queens, New York, and other places.
19 I helped in transporting them from state to state with
20 the aim of benefitting and helping the organization so
21 that it would benefit the -- from their work as
22 prostitutes by promising them falsely --

23 THE COURT: By promising, I'm sorry, what?
24 Promising?

25 MR. COHEN: Them falsely.

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1 THE COURT: Oh, falsely.

2 THE DEFENDANT: Falsely -- in such a way as to
3 convince them to work as prostitute even though at times
4 they did not want to do it. That's all.

5 THE COURT: Okay. Let me ask you a few
6 questions. You said the dates mentioned in the
7 indictment. When did you just described happen?

8 THE DEFENDANT: In 2006, 2008. I don't
9 remember anymore.

10 THE COURT: All right. When you said you were
11 part of the organization of your family, is that the
12 Rendon-Reyes family? Is that the organization?

13 THE DEFENDANT: My cousins and my uncles and
14 brothers.

15 THE COURT: Okay. Was the name of the
16 organization the Rendon-Reyes family?

17 THE DEFENDANT: And also -- yes, and also the
18 Garcia family and the Rojas family.

19 THE COURT: Okay. When you said that you
20 helped illegally -- you helped illegally bring the women
21 to the U.S. -- to the country was it from -- did you
22 bring them from Mexico to the United States?

23 THE DEFENDANT: Yes.

24 THE COURT: And then when you said the illegal
25 activities and the entry was to Queens, and you said

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1 other places, were the other places in the United States?

2 THE INTERPRETER: The interpreter requests a
3 repetition of your last phrase.

4 THE COURT: Were there -- she mentioned other
5 places in addition to Queens, New York. Were those other
6 places in the United States?

7 THE DEFENDANT: Yes, Atlanta.

8 THE COURT: All right. My next question is
9 going to be to Mr. Cohen. Part of the plea is that she
10 admits to the racketeering acts, Racketeering Act 5(a)
11 and Racketeering Act 7(a). So the allocution so far,
12 does it cover aspects of the indictment? Do you want to
13 consult with your client or why don't you talk to her
14 about it first and then I need to ask her about the
15 racketeering acts she committed or she needs to tell me.

16 (Counsel and client confer)

17 MR. COHEN: Your Honor, referring to the fact
18 that the individuals named there are minors?

19 THE COURT: So the entire part of the proposal
20 to which she is going to plead guilty in paragraph 1 of
21 the plea agreement is pleading guilty to Count 1 and then
22 also admit as racketeering acts, her participation in sex
23 trafficking of minor Jane Doe 3 who is mentioned in
24 Racketeering Act 5(a) and Count 11, as well as sex
25 trafficking of minor Jane Doe 5, who is mentioned in

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1 Racketeering Act 7(a) and Count 14.

2 MS. LEE: Your Honor, if I could, my
3 understanding of the allocution so far is I believe that
4 and it might be the way that it was phrased, that she has
5 allocuted to sex trafficking and she referred to them
6 generically and the problem that I see right now is that
7 she has not specified the specific Jane Does and who the
8 individuals were that she was referencing that she
9 assisted in being brought here who were given false
10 promises to continue work when they did not want to.

11 THE COURT: So I agree, that that's the missing
12 piece is the specific references to the two Jane Does and
13 they were -- that they were both minors. So if what your
14 client meant as the them, she needs to elaborate. If
15 that wasn't what she was talking about, we need more
16 information.

17 MR. COHEN: Is that a question to me, your
18 Honor?

19 THE COURT: Well, I am giving you the chance to
20 talk to your client because right now I think the
21 allocution is incomplete.

22 MR. COHEN: Okay.

23 (Counsel and client confer)

24 THE COURT: You're good?

25 MR. COHEN: Yes.

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1 THE COURT: Okay. I'm sorry. I turned off the
2 mic. All right. Mr. Cohen, is your --

3 MR. COHEN: One more --

4 THE COURT: -- client prepared to amplify?

5 MR. COHEN: One more thing, your Honor, if I
6 may?

7 THE COURT: You want another minute? Okay,
8 sure.

9 (Counsel and client confer)

10 THE COURT: All right. Mr. Cohen, is your
11 client prepared to amplify that allocution?

12 MR. COHEN: Yes, Judge. And if the Court would
13 permit, I think the most efficient way to do it would be
14 just if your Honor would allow me to ask her the
15 questions --

16 THE COURT: Sure.

17 MR. COHEN: -- and let her answer. If I may?

18 THE COURT: Does the government have any
19 objection?

20 MS. LEE: No, your Honor.

21 THE COURT: All right. That's fine. Yes,
22 please.

23 MR. COHEN: Ms. Rendon-Reyes, when you referred
24 earlier to having assisted in smuggling them, were you
25 referring to Jane Does number 3 and 5 named in the

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1 indictment?

2 THE DEFENDANT: Yes.

3 MR. COHEN: And you know that those people were
4 minors?

5 THE DEFENDANT: Yes.

6 MR. COHEN: And when you indicated that you
7 engaged in this activity to benefit them, was the them
8 that you referred to, the other people in your family
9 that were engaged in this business and also indicted?

10 THE DEFENDANT: Yes.

11 MR. COHEN: Is that sufficient, your Honor?

12 THE COURT: I'm just looking at the elements
13 for a moment, just because this is a little broken up.
14 Is it correct that you knew that the Jane Does were
15 brought into the U.S. and were going to engage in
16 prostitution?

17 MR. COHEN: Yes.

18 THE COURT: That's a question.

19 MR. COHEN: So, Ms. Rendon-Reyes, did you know
20 that when these two individuals, Jane Doe 3 and 5, were
21 brought into the United States, that they were brought
22 here for purposes of prostitution?

23 THE DEFENDANT: Yes.

24 THE COURT: And did you assist in getting them
25 to the United States?

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1 THE DEFENDANT: Yes.

2 THE COURT: All right. For the government, did
3 we hit everything?

4 MS. LEE: I believe so, your Honor.

5 THE COURT: Okay.

6 MS. LEE: Thank you.

7 THE COURT: All right. Mr. Cohen, anything
8 else that your client would like to add to the record at
9 all?

10 MR. COHEN: Not at this time, your Honor.

11 THE COURT: All right. Ms. Rendon-Reyes, let
12 me ask you a few other questions. Are you pleading
13 guilty voluntarily and of your own free will?

14 THE DEFENDANT: Yes.

15 THE COURT: Has anyone threatened or forced you
16 to plead guilty?

17 THE DEFENDANT: No.

18 THE COURT: Other than the promises that are
19 contained in the written agreement that you entered into
20 with the government, which is marked as Government's
21 Exhibit 6, has anyone made any other promises to you to
22 induce you to plead guilty?

23 THE DEFENDANT: No.

24 THE COURT: Has anyone made any promises to you
25 to as to what your final sentence will be?

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1 THE DEFENDANT: No.

2 THE COURT: Do you want to go ahead with this
3 guilty plea, even though it is very likely that there are
4 serious immigration consequences for you including
5 possibly your automatic removal from the United States?

6 THE DEFENDANT: Yes.

7 THE COURT: And are you pleading guilty of your
8 own free will because you are, in fact, guilty of Count
9 1?

10 THE DEFENDANT: Yes.

11 THE COURT: All right. Based on the
12 information given to me, I find that Ms. Rendon-Reyes is
13 competent and capable of entering an informed plea. That
14 she is doing so voluntarily, that she understands the
15 charges against her, that she understands her rights, she
16 understands the consequences of her plea and that there's
17 a factual basis in the record as to each of the elements
18 of the offense of Count 1 of the superseding indictment.

19 So, I therefore respectfully recommend that the
20 district judge, Judge Korman, accept the plea of guilty
21 to Count 1 of the superseding indictment.

22 All right. A few administrative things. As I
23 mentioned earlier, there's going to be a presentence
24 report prepared about Ms. Rendon-Reyes. Mr. Cohen, do
25 you want to participate in the interview process?

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1 MR. COHEN: I do.

2 THE COURT: All right. We'll probation know
3 that. I'm going to return to the government the original
4 Government's Exhibit 6, which is the plea agreement.

5 I'm assuming that Ms. Rendon-Reyes is going to
6 be continued to be held in custody, is that correct?

7 MR. COHEN: Yes.

8 THE COURT: So there's no bail application, is
9 that right?

10 MR. COHEN: I don't believe she is entitled to
11 bail under the Extradition Act, your Honor.

12 THE COURT: Okay. I am just making sure
13 there's no objection. Okay. So we already covered her
14 health but is there anything else that needs medical
15 attention at the MDC?

16 (Counsel and client confer)

17 THE DEFENDANT: No.

18 MR. COHEN: She doesn't, your Honor. Every
19 time I see her, I always ask her whether she is getting
20 her medication and she's always said that she is.

21 THE COURT: All right. So in terms of the
22 process, this is the last of the eight pleas in this
23 case. So Ms. Lee, do you have any idea what Judge
24 Korman's schedule is with regard to reviewing the pleas
25 and if he accepts them, the sentencing?

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1 MS. LEE: I don't have any information
2 suggesting that he is going to accept the pleas prior to
3 sentencing. I believe that the --

4 THE COURT: No, I am sorry. I meant the whole
5 thing together. Do you have any information?

6 MS. LEE: My understanding is that he is having
7 sentencing dates set by probation.

8 THE COURT: Okay.

9 MS. LEE: I know that already the pleas have
10 been wheeled out to probation and they've started
11 assigning officers to it.

12 THE COURT: Uh-hum.

13 MS. LEE: So I would estimate that it's the
14 usual time of at least three months or so, until the PSR
15 gets released but I don't know. I don't have any
16 specific information.

17 THE COURT: You don't have any -- okay. All
18 right.

19 So Rendon-Reyes, as I said, there will be a
20 report prepared about you by the probation department and
21 that affects the scheduling of your sentencing but you
22 should stay in touch with your attorney. Your attorney
23 will be in touch with the United States Attorney's Office,
24 as well as reviewing the docket, so that he knows when
25 the sentencing date is.

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1 Anything else we should cover here today?

2 MS. LEE: Not for the government, your Honor.

3 MR. COHEN: Not from us, your Honor.

4 THE COURT: Okay. Thank you. Take care. Have
5 a good weekend.

6 (Matter concluded)

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C E R T I F I C A T E

I, LINDA FERRARA, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this **24th** day of **May**, 2017.


Linda Ferrara

CET**D 656
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